

2009 DRAFTING REQUEST

Bill

Received: **01/26/2009**

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Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Willing**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

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Subject: **Mental Health - miscellaneous**

Extra Copies:

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Carbon copy (CC:) to:

Pre Topic:

DOA:.....Willing, BB0548 -

Topic:

Mental health services provided by counties

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 01/26/2009	wjackson 01/26/2009	rschluet 01/26/2009	_____	sbasford 01/27/2009		
/P2	chanaman 01/30/2009	jdye 01/30/2009	rschluet 01/30/2009	_____	cdurst 01/30/2009		S&L

FE Sent For:

<END>

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/P1	chanaman	/pl WLj 1/26					
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FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: County-Funded Mental Health Services Investment
- Tracking Code:
- SBO team: Health and Insurance
- SBO analyst:
 - Phone: Krista Willing
 - Email: krista.willing@wisconsin.gov
- Agency acronym: DHS
- Agency number: 435
- Priority (Low, Medium, High): High

Intent:

Change statutes in order to allocate a portion of revenue from enhanced FMAP to assist counties in providing mental health services. See attached paper.

County-Funded Mental Health Services Investment

Decision Needed

If available, how would the Department allocate a portion of revenue from enhanced FMAP to assist counties in providing mental health services?

Background

1. Under state law, counties may provide psychosocial services through a number of Medicaid certified programs. These programs include Community Support Program (CSP), Comprehensive Community Services (CCS) and Crisis Intervention Services. Counties must provide the state's share of the Medicaid payment if they elect to provide these services. In SFY07 approximately \$43 million in federal matching funds was generated for counties by these county-matched services.
2. Community Support Program services include assessments, treatment, case management and psychosocial rehabilitation services, including employment-related services, social and recreational skill training, and assistance with activities of daily living and other support services. These services are designed to enable a recipient to better manage the symptoms of their illness, to increase the likelihood of their independent, effective functioning in the community, and to reduce the incidence and duration of institutional treatment otherwise brought about by mental illness.
3. Comprehensive Community Services recipients must have impairment in major areas of community living as evidenced by the need for ongoing and comprehensive services of either high-intensity or low-intensity nature. Services can include medical and rehabilitative services and supportive activities intended to provide for a maximum reduction of the effects of the individual's mental health or substance abuse condition and restoration to the best possible level of functioning and to facilitate the individual's recovery. These services must be consistent with needs identified through a comprehensive assessment, which is completed by a recovery team made up of the individual, a licensed mental health professional, the individual's family, and others as appropriate.
4. Crisis intervention services provide community-based treatment to children and adults who are experiencing crisis situations in which they are at risk of harming themselves or others. Crisis intervention services include: 24 hour crisis phone, mobile crisis services, walk-in crisis, linkage and follow-up services, and stabilization services. The services are intended to enable the individual to remain in the community and avoid the need for costly inpatient hospitalization.

5. The Department proposes to allocate funds for the aforementioned county-funded mental health services on a schedule set by the Department. These funds would be budgeted to appropriation 20.435(7)(bL), numeric 783, for distribution to counties. Language under 20.435(5)(bL) would need to be modified to allow the Department to transfer funds pertaining to those services.

Current Language

20.435 Health services, department of.

20.435 (7) (bL) *Community support programs and psychosocial services.*

The amounts in the schedule for one-time grants under s. 51.423 (3) to counties that currently do not operate certified community support programs, for community support program services under s. 51.421 (3) (e), and for community-based psychosocial services under the requirements of s. 49.45 (30e). Notwithstanding s. 20.002 (1), the department of health services may transfer from this appropriation to the appropriation under par. (bc) funds as specified in par. (bc).

Proposed Change

*****Note: s.20.435 (7) (bL), numeric 783, will be changed to 20.435 (5) (bL), numeric 583, in separate statutory language as part of the Department's reorganization.*****

20.435 (7) (bL) is amended to read:

20.435 (7) (bL) *Community support programs and psychosocial services.*

The amounts in the schedule for one-time grants under s. 51.423 (3) to counties that currently do not operate certified community support programs, for community support program services under s. 51.421 (3) (e), and for community-based psychosocial services under the requirements of s. 49.45 (30e), and for mental health crisis intervention services under the requirements of s.49.45 (41).

Notwithstanding s. 20.002 (1), the department of health services may transfer from this appropriation to the appropriation under par. (bc) funds as specified in par. (bc).

Desired Effective Date:	With enactment of 2009-11 Biennial Budget
Agency:	DHS
Agency Contact:	William Emslie
Phone:	266-5380



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1806/P1

CMH:.....

WJ

DOA:.....Willing - Mental health services provided by counties

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

① AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.435 (7) (bL) of the statutes is amended to read:
3 20.435 (7) (bL) *Community support programs and psychosocial services.* The
4 amounts in the schedule for one-time grants under s. 51.423 (3) to counties that
5 currently do not operate certified community support programs, for community
6 support program services under s. 51.421 (3) (e), and for community-based
7 psychosocial services under the requirements of s. 49.45 (30e), and for mental health

- 1 crisis intervention under the requirements of s. 49.45 (41). Notwithstanding s.
 2 20.002 (1), the department of health services may transfer from this appropriation
 3 to the appropriation under par. (bc) funds as specified in par. (bc).

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; s. 13.92 (2) (i).

****NOTE: 09-0247 rennumbers this provision from 20.435 (7) (bL) to (5) (bL). The treatments will have to be reconciled.

- 4 **SECTION 2.** 49.45 (41) (b) of the statutes is amended to read:
 5 49.45 (41) (b) If a county elects to become certified as a provider of mental
 6 health crisis intervention services, the county may provide mental health crisis
 7 intervention services under this subsection in the county to medical assistance
 8 recipients through the medical assistance program. A county that elects to provide
 9 the services shall pay the amount of the allowable charges for the services under the
 10 medical assistance program that is not provided by the federal government. The
 11 From the appropriation account under s. 20.435 (7) (bL), the department shall
 12 reimburse the county under this subsection only for the amount of the allowable
 13 charges for those services under the medical assistance program that is provided by
 14 the federal government.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153.

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1806/PT

CMH:wlj:rs

P2

cmr

d-note

DOA:.....Willing - Mental health services provided by counties

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

This bill allows DHS to distribute funds to counties for county-funded mental health services.
don't gen STATE/LOCAL FE

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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3 20.435 (7) (bL) *Community support programs and psychosocial services.* The
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15

(END)

(41)

(5)

***NOTE: This is reconciled s. 49.45 (41) (b). This section has been
 affected by the following LRB numbers: LRB-1806/P1 and LRB-0247/1.
 LRB-1806/P2 and

cmH: jld

This draft reconciles LRB-1806/P1 and LRB-0247/1. Both LRB-1806 and LRB-0247 should continue to appear in the budget.

cmH

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1806/P2dn
CMH:jld:rs

January 30, 2009

This draft reconciles LRB-1806/P1 and LRB-0247/1. Both LRB-1806 and LRB-0247 should continue to appear in the budget.

Cathlene Hanaman
Legislative Attorney
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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1806/P2
CMH:wlj:rs

DOA:.....Willing, BB0548 - Mental health services provided by counties

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

This bill allows DHS to distribute funds to counties for county-funded mental health services.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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3 49.45 **(41)** (b) If a county elects to become certified as a provider of mental
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7 (END)